



Applicant's Docket No. 40678-5C

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Thackeray et al.

Application No.: 09/924,045

Group No.: 1746

Filed: August 7, 2001

Examiner: N. Barreca

For: ANTIHALATION COMPOSITIONS

[] *Patent No.:

Issue Date:

Reexamination Date:

*NOTE: Preferably also insert inventor's name and invention title.

Assistant Commissioner for Patents
Washington D.C. 20231

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**TERMINAL DISCLAIMER TO OBVIATE
A DOUBLE PATENTING REJECTION (37 C.F.R. SECTION 1.321(c))**

Identification of Person(s) Making This Disclaimer

I, Peter F. Corless

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. SECTION 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

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(type or print name of person certifying)

(type or print names of all inventors or assigns or name of attorney signing disclaimer)

(a) represent that I am

☐ an inventor (applicant) of this invention.

☐ an assignee of this invention.

WARNING:

"If the patent or patent application is assigned to an organization, such as a corporation, partnership, university, [g]overnment agency or similar entity, and the disclaimer is signed by the assignee, the assignee must comply with Section 3.73(b)." Notice of Oct. 15, 1993, 1156 O.G. 54-61 at 56, Section 1490, M.P.E.P., 7th Edition.

☐ a representative authorized to sign on behalf of the assignee identified below.

☐ A statement under 37 C.F.R. Section 3.73(b) is attached.

WARNING:

See the above "WARNING".

☒ the attorney of record for this invention.

NOTE: The rules "permit an attorney or agent of record to sign a terminal disclaimer without the need to comply with Section 3.73(b)." Notice of Oct. 15, 1993, 1156 O.G. 54-61, at 56. See also Section 1490, M.P.E.P., 7th Edition.

IDENTITY OF ASSIGNEE AND TITLE OF DISCLAIMANT

(if applicable)

The assignee is

Name of assignee Shipley Company, L.L.C.

Address of assignee 455 Forest Street

Marlborough, Massachusetts 01752

Title of disclaimant authorized to sign on behalf of assignee Attorney

of Record

EXTENT OF DISCLAIMANT'S INTEREST

The extent of the interest in this invention that the disclaimant owns is in:

☒ the whole of this invention.

☐ a sectional interest in this invention, as follows:

(state the exact interest of the disclaimant)

RECORDAL OF ASSIGNMENT IN PTO
(if applicable)

☒ The assignment was recorded on 12/23/91.

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☐ Authorization for recordal of the assignment is separately attached.

☐ A separate ☐ "ASSIGNMENT (DOCUMENT) COVER SHEET" or
☐ FORM PTO 1595 is also attached.

ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION
(if applicable)

☐ Attached is a STATEMENT UNDER 37 C.F.R. Section 3.73(b) establishing the right of the assignee to take action in this case.

DISCLAIMER

(Obviousness-Type Double Patenting Rejection Over A Prior Patent)

Petitioner hereby disclaims, except as provided below, the terminal part of any patent granted on the instant application, which would extend beyond the expiration date of Patent No. **6,316,165** as presently shortened by any terminal disclaimer. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above-listed patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. Sections 154 to 156 and 173 of the patent forming the basis of the double patenting rejection, namely, Patent No.: **6,316,165** as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. Section 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

DISCLAIMER FEE (37 C.F.R. Section 1.20(d))

☒ Other than a small entity--fee \$110.00

☐ Small entity--fee \$55.00

☐ Small entity statement attached

☐ Small entity statement already filed

☐ in patent application ___/___ on ___
(date)



Signature of disclaimant

Date: July 22, 2002



SIGNATURE OF PRACTITIONER

Reg. No.: 33,860

Peter F. Corless

(type or print name of practitioner)

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